



# Virginia Wind Energy Projects: Change from SCC to DEQ Jurisdiction

David K. Paylor

Virginia Department of Environmental Quality

Virginia Wind Energy Collaborative

State Wind Energy Symposium

James Madison University

June 17, 2010





# Current Practice:

- ✿ Developer applies to SCC for individual approval/order
- ✿ Environmental agencies submit recommendations to SCC re proposed site via Environmental Impact Review
- ✿ SCC decides what site-specific environmental requirements to include in the order



Example of SCC process:

# Highland County Wind



## New System:

# DEQ Renewable Energy Permit by Rule (Wind)



# New System: Overview

- ✿ Developer applies to DEQ for permit by rule (PBR)
- ✿ Environmental requirements are set forth “up front” in regulation for all sites
- ✿ DEQ, in consultation with other agencies, reviews application
- ✿ If applicant meets requirements and submits required certifications, then DEQ notifies applicant – within 90 days – that that project is authorized under PBR



# Statutory Goals:

- ✚ **Promote renewable energy** – provide certainty, timeliness, reasonable regulatory requirements
- ✚ **Protect natural resources** – provide enforceable standards that are protective of wildlife & historic resources at/near project site



What do stakeholders  
potentially achieve  
in the proposed  
Wind PBR?



# Industry

- ✚ **certainty** – requirements spelled out in advance in PBR
- ✚ **timeliness** (**90 days** in proposed reg)
- ✚ **reasonableness** – RAP & DEQ  
interpreted statute as reasonably as possible
- ✚ **channels of legal redress** – clearly set forth in Administrative Process Act





# Environmental Interests

At the cutting edge among states  
in having across-the-board . . .

- ✿ **Analysis of natural resources at/near the project site**
- ✿ **Mitigation for significant wildlife and historic-resource impacts**
- ✿ **Required post-construction monitoring for life of project**



# “Sister” State Agencies

- ✚ **All had a voice** on the RAP in developing the wind PBR proposal
- ✚ Pursuant to the 2009 statute, DEQ will **consult SNR agencies** before rendering permit-approval decision



# Local Governments

**The RAP, OAG, and DEQ agreed:**

**health and safety issues, land-use and zoning are not encompassed by the 2009 statute**

**All concurred:**

**these issues remain the subject of local-government authority, as VACO recommended**



*Remember . . .*

***PBR described today is  
proposed, not final***



# Proposed Wind PBR:

9 VAC 15-40

Proposed Text

<http://www.townhall.virginia.gov/L/ViewXML.cfm?textid=4259>

Agency Statement - Town Hall Document (TH-02)

<http://www.townhall.virginia.gov/L/viewstage.cfm?stageid=5451&display=documents>



## *Next steps . . .*

- ✿ Public comment period on proposed Wind PBR, following culmination of executive review
  
- ✿ Development of PBR provisions for
  - Coastal wind projects
  - Offshore projects in state waters



*For more information about  
DEQ's proposed Wind PBR...*

***Contact:***

***Carol C. Wampler***

***804-698-4579***

***carol.wampler@deq.virginia.gov***

